



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB4629

by Rep. James H. Meyer

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Domestic Violence Act of 1986. Authorizes the creation of Domestic Violence Fatality Review Teams to identify and review the circumstances that led to domestic violence related homicides and identify strategies to prevent future fatalities. Allows, for the limited purpose of domestic violence fatality reviews, the disclosure to Team members of any information deemed confidential, privileged, or prohibited from disclosure by any other Act. Provides that confidential information obtained by a Team shall remain confidential and may not be disclosed by the Team. Provides that the proceedings, records, opinions, and deliberations of a Team shall be privileged. Limits the liability for a Team member or a person providing information to a Team for civil damages arising out of an official act or an omission during the gathering or processing of information by a Team, except for willful or wanton misconduct or acts performed outside the scope of the authority of the Team. Provides that the Office of the Attorney General shall convene a statewide Domestic Violence Fatality Review Advisory Council with specified duties. Amends the Freedom of Information Act. Exempts information gathered by a Team from the requirements of the Freedom of Information Act.

LRB095 18875 AJO 45016 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning domestic violence.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Domestic Violence Act of 1986 is  
5 amended by adding Article V as follows:

6 (750 ILCS 60/Art. V heading new)

7 ARTICLE V

8 FATALITY REVIEW TEAMS

9 (750 ILCS 60/501 new)

10 Sec. 501. Short title. This Article may be cited as the  
11 Domestic Violence Fatality Review Team Law.

12 (750 ILCS 60/505 new)

13 Sec. 505. Purpose. The purpose of this Article is to allow  
14 creation of teams to identify and review the circumstances that  
15 led to domestic violence-related homicides and identify  
16 strategies to prevent future fatalities.

17 (750 ILCS 60/510 new)

18 Sec. 510. Domestic Violence Fatality Review Teams.

19 (a) A county or group of counties or a municipality with a  
20 population over 2,000,000 may establish a Domestic Violence

1 Fatality Review Team. The Team shall identify intimate partner  
2 violence-related homicides, review the circumstances that led  
3 to those deaths, and identify strategies to prevent future  
4 fatalities. For the purposes of this Article, "intimate  
5 partners" include: (i) spouses or former spouses; (ii) persons  
6 who have or allegedly have a child in common; and (iii) persons  
7 who have or had a dating or engagement relationship.

8 (b) Teams may determine which intimate partner  
9 violence-related homicides to review, but may not review cases  
10 under investigation by law enforcement or while an action is  
11 pending in criminal or civil court.

12 (c) Teams may be comprised of members who serve on an  
13 ongoing basis and members who serve on a case-specific basis.

14 (d) Teams shall include, but are not limited to,  
15 representatives from the following:

16 (1) coroners or medical examiners;

17 (2) judges and courts;

18 (3) the investigating law enforcement agency;

19 (4) prosecutors;

20 (5) a local domestic violence agency;

21 (6) health care professionals or emergency response  
22 personnel; and

23 (7) child welfare representatives.

24 (e) Teams may also include, but are not limited to, the  
25 following:

26 (1) mental health treatment providers;

1           (2) corrections and domestic partner abuse  
2           intervention providers;

3           (3) representatives from domestic violence programs;

4           (4) representatives from an area institution of higher  
5           education;

6           (5) city council members;

7           (6) survivors of domestic violence;

8           (7) county commissioners;

9           (8) local members of the clergy; and

10           (9) a family member of a decedent whose death resulted  
11           from domestic abuse.

12           (f) Teams shall have access to all appropriate information  
13           and records in possession of public and private agencies that  
14           are relevant to the review of a domestic violence fatality.  
15           This access includes, but is not limited to, access to victims  
16           and perpetrators' medical, dental, and mental health records,  
17           pathologists reports, coroners and medical examiners' records,  
18           direct service records, records of law enforcement agencies,  
19           records from the Department of Corrections and parole and  
20           probation departments, reports from states and governments,  
21           court records and information, and employment records. For the  
22           limited purpose of domestic violence fatality reviews, this  
23           subsection (f) permits the disclosure to Team members of any  
24           information deemed confidential, privileged, or prohibited  
25           from disclosure by any other Act. Release of confidential  
26           communication between domestic violence advocates and a

1 domestic violence victim shall follow subsection (d) of Section  
2 227 of this Act, which allows for the waiver of privilege  
3 afforded to guardians or executors or administrators of the  
4 estate of the domestic violence victim.

5 (750 ILCS 60/515 new)

6 Sec. 515. Information; confidentiality. Meetings of  
7 Domestic Violence Fatality Review Teams shall be closed to the  
8 public and not subject to the Open Meetings Act. Confidential  
9 information obtained by a Team shall remain confidential and  
10 may not be disclosed by the Team. The proceedings, records,  
11 opinions, and deliberations of a Team are privileged and are  
12 not subject to discovery, subpoena, the Freedom of Information  
13 Act, or introduction into evidence in any civil action in any  
14 manner that would directly or indirectly identify specific  
15 persons or cases reviewed by the Team. Release of confidential  
16 communications between domestic violence advocates and a  
17 domestic violence victim shall follow the provisions of  
18 subsection (d) of Section 227 of this Act, which allows for the  
19 waiver of privilege afforded to guardians or executors or  
20 administrators of the estate of the domestic violence victim.

21 (750 ILCS 60/520 new)

22 Sec. 520. Liability. No member of a Team and no person  
23 providing information to a Team is liable for civil damages  
24 arising out of an official act or omission during the gathering

1 or processing of information by a Team, except for acts or  
2 omissions that constitute willful or wanton misconduct on the  
3 part of the member or person providing information, or acts  
4 performed outside the scope of the authority of the Team.

5 (750 ILCS 60/525 new)

6 Sec. 525. Statewide coordination.

7 (a) The Office of the Attorney General shall convene a  
8 statewide Domestic Violence Fatality Review Advisory Council  
9 including, but not limited to, representatives from the  
10 following professions:

11 (1) coroners or medical examiners;

12 (2) judges and courts;

13 (3) law enforcement;

14 (4) prosecutors;

15 (5) domestic violence programs and partner abuse  
16 intervention programs; and

17 (6) health care.

18 The Council shall advise regarding the development and  
19 implementation of Domestic Violence Fatality Review Teams.

20 (b) Domestic Violence Fatality Review Teams shall report  
21 annually to the Office of the Attorney General for compilation.

22 (c) The Council shall also study the feasibility of an  
23 electronic database of orders of protection issued in Illinois,  
24 accessible only to law enforcement personnel, prosecutors,  
25 prosecutorial staff, judges, and court personnel.

1 (750 ILCS 60/530 new)

2 Sec. 530. Report to General Assembly. A biennial statewide  
3 report on Domestic Violence Fatality Review Teams shall be  
4 issued by the Office of the Attorney General and the Advisory  
5 Council to the Illinois General Assembly in December of  
6 even-numbered years. The annual report in December of 2010  
7 shall contain a recommendation as to whether or not the  
8 domestic violence review process provided for in this Article  
9 should continue or be terminated.

10 Section 10. The Freedom of Information Act is amended by  
11 changing Section 7 as follows:

12 (5 ILCS 140/7) (from Ch. 116, par. 207)

13 Sec. 7. Exemptions.

14 (1) The following shall be exempt from inspection and  
15 copying:

16 (a) Information specifically prohibited from  
17 disclosure by federal or State law or rules and regulations  
18 adopted under federal or State law.

19 (b) Information that, if disclosed, would constitute a  
20 clearly unwarranted invasion of personal privacy, unless  
21 the disclosure is consented to in writing by the individual  
22 subjects of the information. The disclosure of information  
23 that bears on the public duties of public employees and

1 officials shall not be considered an invasion of personal  
2 privacy. Information exempted under this subsection (b)  
3 shall include but is not limited to:

4 (i) files and personal information maintained with  
5 respect to clients, patients, residents, students or  
6 other individuals receiving social, medical,  
7 educational, vocational, financial, supervisory or  
8 custodial care or services directly or indirectly from  
9 federal agencies or public bodies;

10 (ii) personnel files and personal information  
11 maintained with respect to employees, appointees or  
12 elected officials of any public body or applicants for  
13 those positions;

14 (iii) files and personal information maintained  
15 with respect to any applicant, registrant or licensee  
16 by any public body cooperating with or engaged in  
17 professional or occupational registration, licensure  
18 or discipline;

19 (iv) information required of any taxpayer in  
20 connection with the assessment or collection of any tax  
21 unless disclosure is otherwise required by State  
22 statute;

23 (v) information revealing the identity of persons  
24 who file complaints with or provide information to  
25 administrative, investigative, law enforcement or  
26 penal agencies; provided, however, that identification



1 of witnesses to traffic accidents, traffic accident  
2 reports, and rescue reports may be provided by agencies  
3 of local government, except in a case for which a  
4 criminal investigation is ongoing, without  
5 constituting a clearly unwarranted per se invasion of  
6 personal privacy under this subsection; and

7 (vi) the names, addresses, or other personal  
8 information of participants and registrants in park  
9 district, forest preserve district, and conservation  
10 district programs.

11 (c) Records compiled by any public body for  
12 administrative enforcement proceedings and any law  
13 enforcement or correctional agency for law enforcement  
14 purposes or for internal matters of a public body, but only  
15 to the extent that disclosure would:

16 (i) interfere with pending or actually and  
17 reasonably contemplated law enforcement proceedings  
18 conducted by any law enforcement or correctional  
19 agency;

20 (ii) interfere with pending administrative  
21 enforcement proceedings conducted by any public body;

22 (iii) deprive a person of a fair trial or an  
23 impartial hearing;

24 (iv) unavoidably disclose the identity of a  
25 confidential source or confidential information  
26 furnished only by the confidential source;

1 (v) disclose unique or specialized investigative  
2 techniques other than those generally used and known or  
3 disclose internal documents of correctional agencies  
4 related to detection, observation or investigation of  
5 incidents of crime or misconduct;

6 (vi) constitute an invasion of personal privacy  
7 under subsection (b) of this Section;

8 (vii) endanger the life or physical safety of law  
9 enforcement personnel or any other person; or

10 (viii) obstruct an ongoing criminal investigation.

11 (d) Criminal history record information maintained by  
12 State or local criminal justice agencies, except the  
13 following which shall be open for public inspection and  
14 copying:

15 (i) chronologically maintained arrest information,  
16 such as traditional arrest logs or blotters;

17 (ii) the name of a person in the custody of a law  
18 enforcement agency and the charges for which that  
19 person is being held;

20 (iii) court records that are public;

21 (iv) records that are otherwise available under  
22 State or local law; or

23 (v) records in which the requesting party is the  
24 individual identified, except as provided under part  
25 (vii) of paragraph (c) of subsection (1) of this  
26 Section.

1 "Criminal history record information" means data  
2 identifiable to an individual and consisting of  
3 descriptions or notations of arrests, detentions,  
4 indictments, informations, pre-trial proceedings, trials,  
5 or other formal events in the criminal justice system or  
6 descriptions or notations of criminal charges (including  
7 criminal violations of local municipal ordinances) and the  
8 nature of any disposition arising therefrom, including  
9 sentencing, court or correctional supervision,  
10 rehabilitation and release. The term does not apply to  
11 statistical records and reports in which individuals are  
12 not identified and from which their identities are not  
13 ascertainable, or to information that is for criminal  
14 investigative or intelligence purposes.

15 (e) Records that relate to or affect the security of  
16 correctional institutions and detention facilities.

17 (f) Preliminary drafts, notes, recommendations,  
18 memoranda and other records in which opinions are  
19 expressed, or policies or actions are formulated, except  
20 that a specific record or relevant portion of a record  
21 shall not be exempt when the record is publicly cited and  
22 identified by the head of the public body. The exemption  
23 provided in this paragraph (f) extends to all those records  
24 of officers and agencies of the General Assembly that  
25 pertain to the preparation of legislative documents.

26 (g) Trade secrets and commercial or financial

1 information obtained from a person or business where the  
2 trade secrets or information are proprietary, privileged  
3 or confidential, or where disclosure of the trade secrets  
4 or information may cause competitive harm, including:

5 (i) All information determined to be confidential  
6 under Section 4002 of the Technology Advancement and  
7 Development Act.

8 (ii) All trade secrets and commercial or financial  
9 information obtained by a public body, including a  
10 public pension fund, from a private equity fund or a  
11 privately held company within the investment portfolio  
12 of a private equity fund as a result of either  
13 investing or evaluating a potential investment of  
14 public funds in a private equity fund. The exemption  
15 contained in this item does not apply to the aggregate  
16 financial performance information of a private equity  
17 fund, nor to the identity of the fund's managers or  
18 general partners. The exemption contained in this item  
19 does not apply to the identity of a privately held  
20 company within the investment portfolio of a private  
21 equity fund, unless the disclosure of the identity of a  
22 privately held company may cause competitive harm.

23 Nothing contained in this paragraph (g) shall be construed  
24 to prevent a person or business from consenting to disclosure.

25 (h) Proposals and bids for any contract, grant, or  
26 agreement, including information which if it were

1 disclosed would frustrate procurement or give an advantage  
2 to any person proposing to enter into a contractor  
3 agreement with the body, until an award or final selection  
4 is made. Information prepared by or for the body in  
5 preparation of a bid solicitation shall be exempt until an  
6 award or final selection is made.

7 (i) Valuable formulae, computer geographic systems,  
8 designs, drawings and research data obtained or produced by  
9 any public body when disclosure could reasonably be  
10 expected to produce private gain or public loss. The  
11 exemption for "computer geographic systems" provided in  
12 this paragraph (i) does not extend to requests made by news  
13 media as defined in Section 2 of this Act when the  
14 requested information is not otherwise exempt and the only  
15 purpose of the request is to access and disseminate  
16 information regarding the health, safety, welfare, or  
17 legal rights of the general public.

18 (j) Test questions, scoring keys and other examination  
19 data used to administer an academic examination or  
20 determined the qualifications of an applicant for a license  
21 or employment.

22 (k) Architects' plans, engineers' technical  
23 submissions, and other construction related technical  
24 documents for projects not constructed or developed in  
25 whole or in part with public funds and the same for  
26 projects constructed or developed with public funds, but

1           only to the extent that disclosure would compromise  
2           security, including but not limited to water treatment  
3           facilities, airport facilities, sport stadiums, convention  
4           centers, and all government owned, operated, or occupied  
5           buildings.

6           (l) Library circulation and order records identifying  
7           library users with specific materials.

8           (m) Minutes of meetings of public bodies closed to the  
9           public as provided in the Open Meetings Act until the  
10          public body makes the minutes available to the public under  
11          Section 2.06 of the Open Meetings Act.

12          (n) Communications between a public body and an  
13          attorney or auditor representing the public body that would  
14          not be subject to discovery in litigation, and materials  
15          prepared or compiled by or for a public body in  
16          anticipation of a criminal, civil or administrative  
17          proceeding upon the request of an attorney advising the  
18          public body, and materials prepared or compiled with  
19          respect to internal audits of public bodies.

20          (o) Information received by a primary or secondary  
21          school, college or university under its procedures for the  
22          evaluation of faculty members by their academic peers.

23          (p) Administrative or technical information associated  
24          with automated data processing operations, including but  
25          not limited to software, operating protocols, computer  
26          program abstracts, file layouts, source listings, object

1 modules, load modules, user guides, documentation  
2 pertaining to all logical and physical design of  
3 computerized systems, employee manuals, and any other  
4 information that, if disclosed, would jeopardize the  
5 security of the system or its data or the security of  
6 materials exempt under this Section.

7 (q) Documents or materials relating to collective  
8 negotiating matters between public bodies and their  
9 employees or representatives, except that any final  
10 contract or agreement shall be subject to inspection and  
11 copying.

12 (r) Drafts, notes, recommendations and memoranda  
13 pertaining to the financing and marketing transactions of  
14 the public body. The records of ownership, registration,  
15 transfer, and exchange of municipal debt obligations, and  
16 of persons to whom payment with respect to these  
17 obligations is made.

18 (s) The records, documents and information relating to  
19 real estate purchase negotiations until those negotiations  
20 have been completed or otherwise terminated. With regard to  
21 a parcel involved in a pending or actually and reasonably  
22 contemplated eminent domain proceeding under the Eminent  
23 Domain Act, records, documents and information relating to  
24 that parcel shall be exempt except as may be allowed under  
25 discovery rules adopted by the Illinois Supreme Court. The  
26 records, documents and information relating to a real

1 estate sale shall be exempt until a sale is consummated.

2 (t) Any and all proprietary information and records  
3 related to the operation of an intergovernmental risk  
4 management association or self-insurance pool or jointly  
5 self-administered health and accident cooperative or pool.

6 (u) Information concerning a university's adjudication  
7 of student or employee grievance or disciplinary cases, to  
8 the extent that disclosure would reveal the identity of the  
9 student or employee and information concerning any public  
10 body's adjudication of student or employee grievances or  
11 disciplinary cases, except for the final outcome of the  
12 cases.

13 (v) Course materials or research materials used by  
14 faculty members.

15 (w) Information related solely to the internal  
16 personnel rules and practices of a public body.

17 (x) Information contained in or related to  
18 examination, operating, or condition reports prepared by,  
19 on behalf of, or for the use of a public body responsible  
20 for the regulation or supervision of financial  
21 institutions or insurance companies, unless disclosure is  
22 otherwise required by State law.

23 (y) Information the disclosure of which is restricted  
24 under Section 5-108 of the Public Utilities Act.

25 (z) Manuals or instruction to staff that relate to  
26 establishment or collection of liability for any State tax



1 or that relate to investigations by a public body to  
2 determine violation of any criminal law.

3 (aa) Applications, related documents, and medical  
4 records received by the Experimental Organ Transplantation  
5 Procedures Board and any and all documents or other records  
6 prepared by the Experimental Organ Transplantation  
7 Procedures Board or its staff relating to applications it  
8 has received.

9 (bb) Insurance or self insurance (including any  
10 intergovernmental risk management association or self  
11 insurance pool) claims, loss or risk management  
12 information, records, data, advice or communications.

13 (cc) Information and records held by the Department of  
14 Public Health and its authorized representatives relating  
15 to known or suspected cases of sexually transmissible  
16 disease or any information the disclosure of which is  
17 restricted under the Illinois Sexually Transmissible  
18 Disease Control Act.

19 (dd) Information the disclosure of which is exempted  
20 under Section 30 of the Radon Industry Licensing Act.

21 (ee) Firm performance evaluations under Section 55 of  
22 the Architectural, Engineering, and Land Surveying  
23 Qualifications Based Selection Act.

24 (ff) Security portions of system safety program plans,  
25 investigation reports, surveys, schedules, lists, data, or  
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of  
2 the Regional Transportation Authority Act or the St. Clair  
3 County Transit District under the Bi-State Transit Safety  
4 Act.

5 (gg) Information the disclosure of which is restricted  
6 and exempted under Section 50 of the Illinois Prepaid  
7 Tuition Act.

8 (hh) Information the disclosure of which is exempted  
9 under the State Officials and Employees Ethics Act.

10 (ii) Beginning July 1, 1999, information that would  
11 disclose or might lead to the disclosure of secret or  
12 confidential information, codes, algorithms, programs, or  
13 private keys intended to be used to create electronic or  
14 digital signatures under the Electronic Commerce Security  
15 Act.

16 (jj) Information contained in a local emergency energy  
17 plan submitted to a municipality in accordance with a local  
18 emergency energy plan ordinance that is adopted under  
19 Section 11-21.5-5 of the Illinois Municipal Code.

20 (kk) Information and data concerning the distribution  
21 of surcharge moneys collected and remitted by wireless  
22 carriers under the Wireless Emergency Telephone Safety  
23 Act.

24 (ll) Vulnerability assessments, security measures, and  
25 response policies or plans that are designed to identify,  
26 prevent, or respond to potential attacks upon a community's

1 population or systems, facilities, or installations, the  
2 destruction or contamination of which would constitute a  
3 clear and present danger to the health or safety of the  
4 community, but only to the extent that disclosure could  
5 reasonably be expected to jeopardize the effectiveness of  
6 the measures or the safety of the personnel who implement  
7 them or the public. Information exempt under this item may  
8 include such things as details pertaining to the  
9 mobilization or deployment of personnel or equipment, to  
10 the operation of communication systems or protocols, or to  
11 tactical operations.

12 (mm) Maps and other records regarding the location or  
13 security of generation, transmission, distribution,  
14 storage, gathering, treatment, or switching facilities  
15 owned by a utility or by the Illinois Power Agency.

16 (nn) Law enforcement officer identification  
17 information or driver identification information compiled  
18 by a law enforcement agency or the Department of  
19 Transportation under Section 11-212 of the Illinois  
20 Vehicle Code.

21 (oo) Records and information provided to a residential  
22 health care facility resident sexual assault and death  
23 review team or the Executive Council under the Abuse  
24 Prevention Review Team Act.

25 (pp) Information provided to the predatory lending  
26 database created pursuant to Article 3 of the Residential

1 Real Property Disclosure Act, except to the extent  
2 authorized under that Article.

3 (qq) Defense budgets and petitions for certification  
4 of compensation and expenses for court appointed trial  
5 counsel as provided under Sections 10 and 15 of the Capital  
6 Crimes Litigation Act. This subsection (qq) shall apply  
7 until the conclusion of the trial of the case, even if the  
8 prosecution chooses not to pursue the death penalty prior  
9 to trial or sentencing.

10 (rr) Information contained in or related to proposals,  
11 bids, or negotiations related to electric power  
12 procurement under Section 1-75 of the Illinois Power Agency  
13 Act and Section 16-111.5 of the Public Utilities Act that  
14 is determined to be confidential and proprietary by the  
15 Illinois Power Agency or by the Illinois Commerce  
16 Commission.

17 (ss) Information gathered by a Domestic Violence  
18 Fatality Review Team under Article V of the Illinois  
19 Domestic Violence Act of 1986.

20 (2) This Section does not authorize withholding of  
21 information or limit the availability of records to the public,  
22 except as stated in this Section or otherwise provided in this  
23 Act.

24 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,  
25 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;  
26 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.

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1 8-28-07.)

1 INDEX

2 Statutes amended in order of appearance

3 750 ILCS 60/Art. V heading

4 new

5 750 ILCS 60/501 new

6 750 ILCS 60/505 new

7 750 ILCS 60/510 new

8 750 ILCS 60/515 new

9 750 ILCS 60/520 new

10 750 ILCS 60/525 new

11 750 ILCS 60/530 new

12 5 ILCS 140/7 from Ch. 116, par. 207